

# U.S. Department of Transportation

## Federal Motor Carrier Safety Administration

### Fiscal Year 2016 Commercial Driver's License Program Implementation Grant Program Notice of Funding Availability

<b>Announcement Type:</b>	Discretionary Project Grant
<b>Catalog of Federal Domestic Assistance Number:</b>	20.232
<b>Program Purpose:</b>	<p>The Commercial Driver's License Program Implementation Grant (CDLPI) provides financial assistance to States to achieve compliance with the requirements of 49 C.F.R. <a href="#">parts 383</a> and <a href="#">384</a>.</p> <p>The CDLPI grant program also provides financial assistance for other entities capable of executing national projects that aid States in their compliance efforts and that will improve the national Commercial Driver's License (CDL) program.</p>
<b>Eligibility Information:</b>	<p>Eligible applicants include agencies in each State (including the District of Columbia) responsible for the development, implementation, and maintenance of the CDL program or that have a direct impact on a State's compliance with 49 C.F.R. parts 383 and 384.</p> <p>For High Priority Issues funding, eligible applicants include States (including the District of Columbia), local governments, or other or other persons and organizations representing government agencies that support CDLPI activities. NOTE: Requested funding must serve a public purpose.</p>
<b>Application Due Date:</b>	April 5, 2016 (by 11:59 P.M. Eastern Time)

## **A. CDLPI Grant Program Description**

The Federal Motor Carrier Safety Administration (FMCSA) announces the Fiscal Year (FY) 2016 Commercial Driver's License Program Implementation (CDLPI) grant program Notice of Funding Availability (NOFA) to solicit applications from State agencies, local governments, as well as other persons and organizations representing government agencies that support CDLPI activities.

The goal of the national Commercial Driver's License (CDL) program is to reduce the number and severity of commercial motor vehicle crashes in the United States by ensuring that only qualified drivers are eligible to receive and retain a CDL. This goal focuses on maintaining the concept that for every driver, there is only one driving record and only one licensing document, commonly referred to as "One Driver — One License — One Record". States are required to conduct knowledge and skills testing before issuing a CDL; to maintain a complete and accurate driver history record for anyone who obtains a CDL; and to impose driver disqualifications as appropriate.

The FMCSA announces the availability of CDLPI funding as authorized by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Pub. L. No. 109-59, §§ 4101(c)(1), 4124 (2005), *as amended by* Moving Ahead for Progress in the 21st Century Act (MAP-21), Pub. L. No. 112-141, §§ 31313 and 32604(c)(1) (2012) as amended by the Fixing America's Surface Transportation Act (2015). The CDL program is governed by 49 U.S.C. § 31311, and the CDLPI grant program is governed by 49 U.S.C. § 31313. The FMCSA Grants Management Office (GMO) will make changes to the announcement via Grants.gov if there are statutory changes to the CDLPI program for FY 2016.

## **B. FY 2016 CDLPI Grant Program National Priorities**

The FMCSA's three core principles are: 1) raising the bar to enter the motor carrier industry; 2) maintaining high safety standards to remain in the industry; and 3) removing high-risk carriers, drivers, and service providers from operation. In support of this mission, FMCSA will partner with CDL stakeholders including, but not limited to, State Driver Licensing Agencies (SDLAs), commercial motor vehicle drivers and employers, the U.S. Armed Forces, State court officers, and multi-State partnerships.

The FMCSA will award grants under this announcement in three separate categories:

1. CDLPI Basic Grants: Only SDLAs are eligible;
2. High Priority Grants and Cooperative Agreements: States, local governments, organizations, and other persons are eligible.

## FY 2016 CDLPI Grant Program National Priorities

Category #1	Eligible Entity	National Priority
Basic CDLPI Grants (The FMCSA plans to award at least 80% of available funds, est. at \$24,000,000)	States, including the District of Columbia	Applications that support the development, implementation, and maintenance of all or part of the CDL program or that have a direct impact on a State's compliance with the provisions of 49 C.F.R. parts 383 and 384.
<p>Priority is given to funding projects that will enable States to achieve and/or sustain full compliance or, in the case of a State that is making a good faith effort toward substantial compliance with the requirements in sections 31311 and 31313, to improve the implementation of its commercial driver's license program.</p> <p>For FY 2016, priority will be given to applications that also assist States in achieving or sustaining compliance with the requirements of related rule-makings, such as the CDL Testing and Commercial Learner's Permit (CLP) Standards Final Rule, and the Medical Examiner's Certification Integration Rule.</p> <p>Compliance with CDL regulations includes addressing existing or repeat open findings shown in the Automated Compliance Review System (ACRS) and proposed strategies for mitigating those findings. Open findings and proposed strategies should be described in the CDL Program Self-Assessment section of the application. A list of CDL requirements for State participation is included in Appendix C.</p> <p>The FMCSA encourages proposals from States to acquire resources that will enable the SDLA to develop a documented self-auditing process for sustained, ongoing, self-directed CDL program monitoring.</p> <p>Although full compliance with FMCSA regulations and Federal statutes is the primary focus of the CDLPI grant program, FMCSA also encourages applications for projects that promote partnership efforts that lead to higher levels of substantial compliance. For example:</p> <p>Partnerships among several States to resolve compliance issues that are common among the partner States, partnerships between SDLAs and courts within the same State, partnerships among SDLAs and Federal or non-Federal stakeholders, partnerships among law enforcement agencies across several jurisdictions to promote CDL compliance, and/or partnerships between SDLAs and employers, including military CDL employers to ease the transition from military service and to assist in obtaining a CDL. Specifically, FMCSA will give priority to proposals for multi-jurisdictional partnerships that support workforce development and communication or on-site consultation on best practices and/or the resolution of barriers to compliance.</p>		

Priority will also be given to proposals that enable SDLAs to modify existing systems to transmit Canadian convictions electronically.

The CDLPI grant program is not intended to supplement ongoing operational costs of State CDL programs. Its primary purpose is to assist States in achieving and sustaining compliance with the provisions of 49 C.F.R. parts 383 and 384. For this reason, funding for annually recurring State administrative costs receives a lower priority than funding associated with compliance issues or innovative CDL program improvements.

FY 2016 CDLPI High Priority Grant Program National Priorities		
Category #2	Eligible Entity	National Priority
High Priority Grants (The FMCSA plans to award up to 20% of available funds, est. at \$6,000,000)	States, local governments, and other persons	<p>Applications that support research, development, demonstration projects, public education, and other activities that directly relate to improving the commercial driver licensing process and increasing motor vehicle safety that are of benefit to all jurisdictions of the United States or are designed to address national safety concerns and circumstances.</p> <p>The FMCSA encourages applications for projects that enhance the expertise of court officers in prosecuting, adjudicating, and transmitting CDL violations. The FMCSA also encourages applications for projects that facilitate the detection and prevention of fraud in the CDL process including, but not limited to, issuance, testing, record-keeping, and data reporting.</p> <p>In addition, FMCSA encourages projects that demonstrate partnerships between States and non-State stakeholders, as well as partnerships among several States, to achieve the stated goals of the grant program.</p> <p>Organizing meetings or conferences to address persistent and common CDL compliance issues among the SDLAs are eligible for this type of funding.</p> <p>Projects that demonstrate an innovative approach with potential benefit to the nationwide CDLPI program. The FMCSA encourages applications for projects that support the development and</p>

		<p>implementation of State-operated employer notification systems (ENS) for the annual inquiry and review of driving records required by 49 C.F.R. § 391.25. Additional information can be found at <a href="http://www.fmcsa.dot.gov/regulations/notices/2015-05645">http://www.fmcsa.dot.gov/regulations/notices/2015-05645</a>.</p> <p>The FMCSA encourages proposals that improve the national commercial driver's license program by providing State-level perspective to national CDL decision-making and policy development, as well as providing State personnel with experience in national planning and policy development. One project to accomplish this public purpose is for State personnel to participate in a temporary assignment to FMCSA Headquarters offices similar to the Intergovernmental Personnel Act (<a href="http://www.opm.gov/policy-data-oversight/hiring-authorities/intergovernment-personnel-act/">http://www.opm.gov/policy-data-oversight/hiring-authorities/intergovernment-personnel-act/</a>). This assignment will provide State level insight into the continued development of a consistent national CDL program. This assignment is expected to begin on or about July 1, 2017 and may last until June 30, 2018. The FMCSA will provide up to 100% of the costs of employee salary, fringe benefits, travel (both official travel on behalf of the assignment and routine trips home), lodging and per diem rates, and other expenses associated with working at FMCSA headquarters for up to 1 year.</p> <p>Applications for high priority cooperative agreements should detail the information above, as well as the proposed involvement from the FMCSA. The level of involvement anticipated by FMCSA with cooperative assistance agreements will be indicated in the notice of award.</p>
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## C. Award Information

Use the information below to help you make an informed decision about whether to submit an application.

<b>Total Amount of Funding FMCSA Expects to Award:</b>	\$30,000,000
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<b>Anticipated Number of Awards:</b>	45
<b>Award Ceiling/Floor</b>	There is no statutory or regulatory minimum or maximum award. Funding recommendations are based on application reasonableness, available funding, and NOFA priorities.
<b>Anticipated Start Date/Period of Performance:</b>	<p>Upon execution of a Notice of Grant Award through the award's end date. NOTE: When requesting a period of performance on the SF-424 application form, applicants should carefully consider how long it will take to complete the grant's activities and objectives. An application requesting a realistic and feasible four-year period of performance is preferable to an application requesting a two-year period of performance that results in a grant with multiple extension requests.</p> <p>Funding amounts made available for reimbursement may be impacted by limitations placed on the spending authority and appropriations enacted for FMCSA.</p>
<b>Application Type:</b>	Applications are for new FMCSA awards only. The FMCSA will reimburse 100 percent (100%) of eligible costs. There is no recipient matching requirement.

## D. CDLPI Grant Program Eligibility Information

All applications must support a public purpose. The FMCSA cannot award funds to individuals for personal gain (such as obtaining the specialized training required for CDL licensing) or to private businesses for direct financial gain that does not provide a benefit to the national CDL program (such as purchasing a new tractor-trailer for a driving school).

To be eligible for a Basic CDLPI Category Grant, States must:

- Assume responsibility for adopting and administering State safety laws and regulations that are compatible with the Federal CDL requirements of 49 C.F.R. parts 383 and 384.
- Comply with the requirements of related rule-makings, such as the CDL Testing and Commercial Learner's Permit (CLP) Standards Final Rule and the Medical Examiner's Certification Integration Final Rule. The FMCSA may make a grant to a State under this program only if it complies with or is making a good faith effort toward substantial compliance with the requirements of 49 U.S.C. § 31311.

- As a condition of the grant per § 32306 of MAP-21, States must provide FMCSA with access to all State licensing status and driver history records via an electronic information system, subject to 18 U.S.C. § 2721.
- The FMCSA will consider applications received from SDLAs to be for Basic CDLPI grant funding unless the application specifically indicates otherwise. The FMCSA will assign applications received from non-State organizations as High Priority proposals based on FMCSA's determination of the appropriate category. The FMCSA has the authority to award cooperative agreements. The level of involvement anticipated by FMCSA with cooperative assistance agreements will be indicated in the notice of award.

A list of CDL requirements for State participation is included in Appendix C.

## E. Application and Submission Information

The FMCSA utilizes Grants.gov ([www.grants.gov](http://www.grants.gov)) for accepting program applications. All FY 2016 applications must be submitted electronically through this site; applicants requiring alternative accessibility or accommodation should contact the FMCSA Grants Management Office (GMO). Unsolicited applications will not be accepted.

The FMCSA cannot evaluate applications received without the complete set of required forms and attachments; all required elements and documents must be submitted (see next section for a list of required documents). A checklist showing each required document and its source is located in Appendix A.

**STEP #1:** To apply, first complete the Grants.gov registration process. Note that the registration process for a new user can take as long as four weeks.

**STEP #2:** Every applicant must: 1) be registered in the System for Award Management ([www.SAM.gov](http://www.SAM.gov)) before submitting the application; 2) provide a valid Data Universal Numbering System (DUNS) number in its application; and 3) maintain an active SAM registration with current information at all times during which it has an active Federal award or an application under consideration by FMCSA.

### *How do I know that my application has been received by Grants.gov?*

Once Grants.gov has received your submission, they will send email messages to advise you of the progress of your application through the system.

Over the next two business days, you should receive two emails: the first confirms application receipt by the Grants.gov system and the second indicates that the application has either been successfully validated by Grants.gov prior to transmission to FMCSA or has been rejected due to errors. Click [here](#) for more information.

The FMCSA may not make a Federal award to an applicant until the applicant has complied with all applicable DUNS and SAM requirements. If an applicant has not fully complied with the requirements by the time FMCSA is ready to make an award, FMCSA may determine that the

applicant is not qualified to receive the award and use that determination as a basis for making an award to another applicant.

**STEP #3:** The applicant must download the grant application package from Grants.gov, complete it, and submit the completed application package with required attachments through Grants.gov on or before the **deadline of 11:59 P.M. (Eastern) on Tuesday, April 5, 2016**. The FMCSA does not own or maintain Grants.gov and is therefore unable to provide technical assistance; all technical assistance issues should be directed to Grants.gov.

<b>For Grants.gov assistance, contact:</b>	
<b>Phone:</b>	1-800-518-4726 (toll-free) or 606-545-5035
<b>Business Hours:</b>	24 hours a day, 7 days a week
	Closed on Federal holidays
<b>Email:</b>	<a href="mailto:support@grants.gov">support@grants.gov</a>

Modifications to an application after it has been submitted will require a resubmission of the entire application package. The applicant must notify the FMCSA's Grants Management Office (GMO) prior to resubmitting the package. Submitting changes to Grants.gov without contacting the FMCSA GMO could delay the application process and may result in the application not being reviewed.

Late applications are not automatically accepted. A late application may be accepted if there is a large scale natural disaster or a Grants.gov system issue that threatens the timely submission of a grant application. Problems with computer systems at the applicant organization, failure to follow the application instructions, or failure to submit the program application or complete required registrations by the submission deadline are not considered system issues.

## **F. Application Submission Content and Format**

Using the NOFA project and budget narrative formats helps ensure that the application meets the established minimum requirements. Applications that fail to include the required information will be considered incomplete and may be deferred from further review. For all submissions, the application must be on 8.5" x 11" paper, using either the "Times New Roman" or "Arial" font in 12 point. Page margins must be at least 0.5" overall. There is no specific page limitation.

### **1. Application Project Plan Narrative Content and Format:**

- a. Brief Introduction:** Include a one- or two-sentence description of the goal(s) of the application and the applicable program priority(ies) met by the application's projects. Include in this introduction specific information about the outcomes the application proposes to achieve. For each goal identified, provide a problem statement, performance objective, program activity plan, and performance measurement plan. Example:



*The Applicant is in full compliance with 49 CFR Parts 383 and 384 and currently has no open findings. This grant application requests funding for tools that reduce highway fatalities by decreasing fraud risk and improving driver and employer awareness and compliance.*

- b. For SDLA Applicants Only: CDL Program Self-Assessment (Program Overview):** Applications from SDLAs must include a CDL program self-assessment. This requirement applies to SDLAs only; if the applicant is not the State's primary CDL agency, this section of the application should be coordinated with that agency. Applications that fail to include the required information will be considered incomplete and may be deferred from further review.

The Program Overview is not a comprehensive description or history of the applicant's entire CDL program or an acceptable substitute for the compliance plan mandated by MAP-21 § 32305. The Program Overview is a summary of key elements of the applicant's program and must include the following three components:

1. A list of all open findings in the Automated Compliance Review System (ACRS), including the finding's citation and a brief description; the reason for the finding; the proposed resolution; and the expected date by which the finding will be closed.
  2. A list of all open CDLPI grant awards, including the award number, amount, and purpose; progress made to date in achieving the award's objectives; the expected date of completion; and how the application's requested funding supports those grants without duplicating their costs or activities.
  3. The total number of noncommercial and the total number of commercial driver's licenses issued annually, listed separately by type of CDL.
- c) Problem Statement:** A brief, quantitative description of the identified problem. Include details on the data used to identify the problem and to establish the baseline; include data source, date, and explain how the applicant collects, maintains, and analyzes the data. Example:

*The Applicant proposes to implement strategies that remove barriers to compliance and improve customer confidence to ensure accuracy, completeness, and timeliness of CDL data and to sustain a status of zero open findings in ACRS. Specifically, this application requests funding to expand the existing suite of online services to add identification of CDL duplicates, driver address changes, license reinstatement, and calendared reminders about the approaching expiration of the driver's current medical certificate. A successful pilot has confirmed that this approach reduces the potential for fraud and unqualified drivers being issued a CDL.*

- d) Performance Objective:** A description of the quantifiable goal related to the above problem statement. Progress toward or success in achieving this goal can be measured in numbers, percentages, or in any manner that will accurately capture the deliverables and outcomes that will result from implementing the strategies and activities proposed. Example:

*This application's performance objective is strengthening CDL program control and oversight to ensure continued compliance with all current program requirements by purchasing and installing 15 Motion Computer Scoring Tablets; this technology will limit each examiner to a unique ID, and will use GPS to record and log the comprehensiveness and thoroughness of the required CDL road test. These capabilities are both considered best practices in detecting and preventing fraud.*

- e) Program Activity Plan:** A description of the activities that will help mitigate the problem. Example:

*Expanding the program to automate pre-trip, basic control skills, and road test scoring for all tester/examiners conducting 50 or more CDL skills tests annually by purchasing 15 tablets, providing training in using the equipment, and coordinating with the vendor to ensure that test results can be successfully transmitted.*

- f) Performance Measurement Plan:** A description of how progress will be measured towards the performance objective goal by using quantifiable and measurable outcomes. The measurement must include specific benchmarks that can be shown in the quarterly progress report or as annual outcomes, as appropriate. Example:

*The Applicant will monitor and report on the number and percentage of mid-to-high volume examiners whose tests are performed using automated scoring equipment, and will increase the number of unscheduled examiner audits by 10% as compared to the previous 12-month period. The Applicant will provide status updates through quarterly progress and financial reports. The Applicant will also provide a final report that includes a process evaluation describing how the project was conducted and how it met the desired objectives.*

- 2. Budget Narrative:** A budget narrative is a description by budget category (object class or type of expense) that details the costs necessary to complete the proposed project(s). A well-written budget narrative ensures that all costs are allowable, allocable, reasonable, and necessary. A sample budget narrative format is included in Appendix B.

**Note for applicants requesting equipment:** Equipment is defined in 2 C.F.R. part 215 as tangible, non-expendable, personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit. If your threshold is lower than \$5,000, use your definition of equipment and include that definition in the budget narrative. Each equipment budget narrative must contain:

- How the equipment will be used to promote the CDLPI program;
- The quantity and unit cost of the equipment requested;

- Who will be using the equipment;
- How the equipment will be pro-rated if not dedicated 100% to the grant; and
- The equipment definition threshold used.

## G. Application Form Requirements

1. **SF-424 – Application for Federal Assistance:** Standard application form for all Federal assistance requests available in the Grants.gov application kit.
2. **SF-424A – Budget Information for Non-Construction Programs:** Standard budget form for requests for Federal assistance available in the Grants.gov application kit.
3. **SF-424B – Assurances for Non-Construction Programs:** Standard assurances form associated with accepting Federal assistance funds available in the Grants.gov application kit. This document assures that the applicant organization is in substantial compliance with various programs, regulations, and Federal laws.
4. **Grants.Gov Lobbying Form:** Standard lobbying form available in the Grants.gov application kit for applicants to indicate that they do/do not engage in lobbying activity.
5. **SF-LLL – Disclosure of Lobbying Activities:** Standard form to report lobbying activities available in the Grants.gov application kit. Only applies to applicants that have lobbying activities to disclose.
6. **Key Contacts Form:** Form to include the individuals that will be responsible for a Federal award available in the Grants.gov application kit. Provide three contacts:
  - **Authorized Designated Official** (ADO, Authorized Signer): This individual is authorized to sign a grant award on behalf of the organization. This individual is typically the head of the organization or a designee (e.g., Colonel, Director, Commissioner, etc.).
  - **Principal Investigator or Program Director** (PI/PD, Program/Project Manager): This individual has daily program implementation oversight. This role is typically performed by a project/program manager (e.g., Unit Commander, Project Coordinator, etc.)
  - **Financial Officer** (FO, Grant Administrator/Manager): This individual is responsible for monitoring grant program finances and providing clarification on financial information such as budget details, Single Audits, invoice support

### IMPORTANT!

Attachment file names must be limited to the following characters: A-Z, a-z, 0-9, underscore (\_), hyphen (-), space, and period.

Using any other characters will cause the application to be rejected by Grants.gov!

documentation, etc. This role is typically performed by a grant, finance, or administrative/program specialist.

Indicate on the form if the same individual is responsible for multiple roles.

- 7. Attachment Form:** Supplemental form to submit attachments such as the project and budget narratives. Available in the Grants.gov application kit.
- 8. Indirect Cost Rate Information:** If you claim indirect costs, attach a copy of the fully executed, negotiated agreement. If the rate will not be approved by the application due date, attach the letter of renewal or letter of request that you sent to the cognizant agency to your application.
- 9. Standard Title VI/Non-Discrimination Assurances:** This self-certification assurance ensures that the applicant will comply with the appropriate acts, regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance to ensure that no person in the United States shall, on the grounds of race, color, national origin, sex, age, disability, low-income, or Limited English Proficiency be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance from FMCSA. The self-certification assurance is located in Appendix D.
- 10. FMCSA Administrative Capability Questionnaire (ACQ):** This self-certification questionnaire is used by FMCSA to assess your organization's administrative management systems, infrastructure, policies, and resources. It is located within the Grants.gov "Full Announcement" tab.

If you have already sent in an ACQ to FMCSA in response to a FY 2016 NOFA, you do not need to send a new one.

Reminder: Applications that fail to include the required information will be considered incomplete and may be deferred from further review.

## **H. Application Cost Guidance/Cost Eligibility**

Costs charged to FMCSA grants must be in accordance with the applicable cost principles. All reimbursable items must be necessary, reasonable, allocable, and allowable to accomplish the goals of the program. These standards are described in the applicable cost principles and administrative requirements per 2 C.F.R. §§ 200.400 through 200.475, with the exception of §§ 200.416-200.417, which include Special Considerations (only) for States, Local Governments, and Indian Tribes, and §§ 200.418-200.419, which include Special Considerations (only) for Institutions of Higher Education. Contact the FMCSA Grants Management Office for additional information.

Eligible CDLPI grant program costs include, but are not limited to:

- Personnel expenses, including recruitment and screening, training, salaries and fringe benefits, and supervision. Personnel expenses included in an organization's indirect cost rate must not be included as a direct cost in the grant budget.
- Equipment and travel expenses, including but not limited to per diem expenses directly related to the enforcement of CDL regulations, vehicles, uniforms, supplies, materials, communications equipment, vehicle maintenance, fuel, and oil.
- Indirect expenses for facilities, other than fixed scales, used to conduct CDL testing or program support or to house CDL personnel, support staff, and equipment to the extent that those costs are measurable and recurring (e.g., rent and overhead).
- Clerical and administrative expenses, to the extent necessary and directly attributable to the grant project.
- Expenses related to the improvement of real property (e.g., refurbishing of paved areas for conducting off-road skills tests) that does not materially increase the value of the property.
- Expenses related to data acquisition, storage, and analysis that are not being requested under any other FMCSA grant program's funding, that are specifically identifiable as program-related, and that are intended to improve efficiency; the proposal should clearly demonstrate the extent to which these costs will directly benefit the grant program, pro-rating the expense as applicable.

**Note:** Applications requesting information technology funding, such as upgrades or modifications to existing software or equipment, are subject to review by FMCSA's Office of Research and Information Technology.

- The FMCSA will not approve reimbursement requests for indirect costs if an approved indirect cost rate agreement is not in force for the period of time that the indirect cost expenses are incurred.

The FMCSA will not approve pre-award costs. Pre-award expenditures are made at the applicant's risk. The incurrence of pre-award costs in anticipation of receiving a competing award imposes no obligation on FMCSA either to make the award or to increase the amount of the approved budget if an award is made for less than the amount anticipated and is inadequate to cover the pre-award costs incurred.

## **I. Application Review Information**

All applications received by the due date and time are subject to an initial intake review. This intake review determines whether: (1) the applicant is eligible for an award; (2) the information required by the NOFA has been submitted; and (3) all program eligibility requirements described

in the NOFA are satisfied. Applications that pass the intake review will be subject to a comprehensive evaluation. Applications in response to this announcement are evaluated by a cross-discipline team: a technical review panel (TRP), grant management specialists, program officers, and FMCSA staff responsible for day-to-day grant management oversight.

Each application is reviewed in the following areas:

- 1. Technical Review Panel (TRP) Merit Review:** This review provides an independent assessment of the technical/programmatic merit of an application by a minimum of three qualified FMCSA staff, to ensure diversity of perspective and knowledge. TRP members are selected based on their technical education and experience and the extent to which they've performed relevant work, in what capacity, and the quality of that work.

TRP reviewers will evaluate each eligible application to determine the extent to which the application:

- Describes a CDLPI project that reflects the program's priorities and statutory requirements, and that will likely achieve successful completion within the award's period of performance.

TRP reviewers will also evaluate each eligible application to determine the extent to which it describes specific activities that support the objective(s) of the program. In evaluating this, the reviewers will consider whether:

- Budget components such as staffing, equipment, training, and travel components are clearly linked to the project's goal(s) and are necessary to adequately compensate, equip, train, and enable personnel to conduct the activities included in the project plan; and,
- Proposed expenditures are reasonable in amount and clearly necessary to conduct the activities and do not include unallowable expenses.

Finally, TRP reviewers will evaluate each eligible application to determine the extent to which it describes a plan that:

- Includes clearly-identified performance goals and measurements that are supported by an appropriate and identified data source and that includes benchmarks and timelines that will facilitate evaluating the applicant's progress towards project completion; and
- Includes a monitoring and evaluation component that indicates how the recipient will continuously contribute to the success of the project by evaluating performance and outcomes and making adjustments as necessary; this component also enables FMCSA to properly monitor the grant-funded activities.

TRP members will utilize the ratings shown below for each component as a final summary of all components reviewed.

- **Highly Responsive:** Application fully addresses all aspects of the criteria, convincingly demonstrates that it will meet the Government's performance requirements, and demonstrates minimal or no weaknesses.
- **Responsive:** Application fully addresses all aspects of the criteria, demonstrates a likelihood of meeting the Government's requirements, but may include a few weaknesses.
- **Somewhat Responsive:** Application addresses most aspects of the criteria and demonstrates the ability to meet the Government's performance requirements. However, the application contains significant weaknesses and/or a number of minor weaknesses. These weaknesses may be addressed by recommending the award and including a specific programmatic or administrative post-award term and condition.
- **Not Responsive:** Application does not sufficiently address the criteria and the information presented indicates a strong likelihood of failure to meet the Government's requirements.

2. **Budget Review/Cost Analysis.** This review provides an assessment of allowable costs in accordance with Federal grant requirements, including the appropriateness and reasonableness of the budget estimate and the resources to be dedicated to the project, and of the feasibility of the schedule relative to the application timeline. The budget evaluation provides preliminary insight to project-related risk, other than risks arising from technical uncertainty, which must be considered prior to recommendation.

Reviewers will evaluate applications to determine the extent to which:

- Elements of work included in the application have associated budget costs and, conversely, all elements in the applicant's budget have corresponding work elements included in the application;
- Budget costs are allowable, allocable, necessary and reasonable per Office of Management and Budget Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; and
- Costs in each cost category have been properly identified as allowable, necessary, and not duplicative of the other budget line items.

3. **Federal Awarding Agency Review of Risk Posed by Applicants.** This review provides a risk assessment of each applicant's organization. The risk assessment is conducted in several parts: 1) a debarment and suspension review that includes a review of the applicant's administrative capability self-certification form and a check against the records in SAM; 2) a review of the applicant's history with other Federal agencies in the Single Audit Clearinghouse Database; and 3) an evaluation of the applicant's Single Audit in accordance with the Single Audit Act. The FMCSA may, at its discretion, request further information

and/or conduct an audit to confirm compliance as indicated on the SF-LLL – Disclosure of Lobbying Activities form, as provided for in the United States Code or the Code of Federal Regulations.

Depending on the level and severity of the risk assessment findings, FMCSA may determine that the applicant is not qualified to receive the award and use that determination as a basis for making an award to another applicant. The FMCSA may also impose additional grant award terms and conditions in addition to its customary general terms and conditions.

- 4. Applicant Past Performance with FMCSA.** This review provides information that is considered a possible indicator of future performance. Many applicants for FMCSA programs have received FMCSA funding in the past and will be evaluated against their ability to complete prior year awards on time, their compliance with grant terms and conditions, and their results from FMCSA grant monitoring activities. Applicants without FMCSA prior performance will remain under funding consideration.

Reviewers will evaluate CDLPI applications to determine the extent to which:

- The application is written in a manner that would allow FMCSA to monitor performance based on FMCSA reporting requirements;
- The proposed project/program is reasonable in scope, adequate to address existing and emerging commercial driver's license safety issues, and likely to succeed in achieving its goals;
- Based on prior personnel and budgetary practices, and past performance, the proposed expenditures are reasonable and necessary to conduct the proposed projects and whether or not costs are allowable under applicable Federal regulations; and
- The applicant successfully performs and manages current project tasks (e.g., within budget and on schedule).

Reviewers will also:

- Document any issues or findings from monitoring activities (e.g., audit, program, or process reviews) that demonstrate the applicant's violation of the grant terms and conditions;
- Consider whether or not the applicant's previous performance and financial reports were submitted late, were incomplete or incorrect, and/or if the applicant has consistently requested additional time to complete the reports; and
- Provide feedback on the application's significance, approach, and feasibility.

- 5. Consideration of Program-Specific Aspects:** The FMCSA will consider other aspects in the review of the application, in addition to the application's merit, budget, risk assessment,



and past performance. These aspects relate to program-specific policy areas that may factor into an award recommendation. CDLPI program-specific aspects include, not limited to:

- The extent to which a project complements the applicant's existing program or enhances its capabilities;
- The extent to which a project supports the applicant's potential for continued success in achieving and maintaining compliance with all CDL program requirements currently in effect or scheduled to come into effect in the near future.
- The extent to which a project demonstrates an innovative approach with potential benefit to the nationwide CDLPI program, if applicable.

## **J. Applicant Negotiation**

After the application review process, FMCSA may find it necessary to contact the applicant with additional questions for clarification. The FMCSA also reserves the right to negotiate with the applicant regarding project revisions (e.g., reductions in the scope of work, funding level, period, or method of support) prior to recommending any project for funding. An applicant may be required to submit a supplemental budget or project narrative based on a partial or modified grant recommendation.

The FMCSA expects to contact applicants and/or conduct negotiations (if necessary) in mid-March 2016. The FMCSA does not expect to make final awards prior to May 2016. Any contact made by FMCSA with an applicant is not a precursor to a final award at any level, even after questions are responded to, or additional documents are provided by the applicant.

## **K. Award Administration Information**

The FMCSA will consider the results of the reviews outlined in this NOFA, applicant responses (if applicable), and recommend that the application: 1) be approved for award from currently available funds (in its entirety or in part); or 2) be declined due to insufficient funds or unfavorable review. The FMCSA may not award grants or release information concerning application recommendations until FMCSA Administrator approval is obtained.

The FMCSA cannot award grants until the enactment of authorizing legislation, an appropriations act, budget authority, and apportionment from the Office of Management and Budget (OMB). The FMCSA may (at its discretion) issue partial funding awards up to the level authorized and provided that the above conditions are met. Additional information on the budget process may be found in OMB A-11: [http://www.whitehouse.gov/omb/circulars\\_default/](http://www.whitehouse.gov/omb/circulars_default/).

After approval and funds certification, the GMO will issue the Notice of Grant Award (NGA) to the applicant via GrantSolutions ([www.grantsolutions.gov](http://www.grantsolutions.gov)), the FMCSA grant management system. Attached to the NGA is the FMCSA Financial Assistance Agreement General Provisions and Assurances (grant terms and conditions). By accepting the award, applicants are

agreeing to the award's terms and conditions. The terms and conditions are available in the Grants.gov application package.

The grant terms and conditions outline the reporting requirements that the recipient must meet after award. Reporting responsibilities include quarterly program performance using the Performance Progress Report (SF-PPR) and quarterly financial status using the Federal Financial Report (SF-FFR, also known as the SF-425). Recipients may elect to submit financial reports by email or electronically through GrantSolutions; contact the GMO for additional information. Recipients may choose to submit quarterly performance reports via email or upload an electronic copy into GrantSolutions. At this time, GrantSolutions electronic SF-PPR reporting is not available at FMCSA.

Additional quarterly report information and other required forms and templates are available at:

<http://www.fmcsa.dot.gov/mission/grants/grantee-resources>

All FMCSA grant programs are cost reimbursable. Reimbursement means that grant funded entities must first expend their own money for activities identified in the grant application. Entities will then be reimbursed by FMCSA for actual costs incurred. All FMCSA recipients must request reimbursement on at least a quarterly basis. This request must include a signed Request for Advance or Reimbursement (SF-270) and a detailed expenditures worksheet with a written explanation of how the funds were used. All costs must be in line with the approved budget, OMB cost principles, and related FMCSA and other policies. Recipients must submit requests for reimbursement electronically through the Delphi eInvoicing System (iSupplier). Additional information is available at: <http://www.dot.gov/cfo/delphi-einvoicing-system>.

Applicants will not receive any communication until all funding recommendations have been approved. The FMCSA will send a letter to notify those who were not funded with suggestions for how applications can be improved for the next grant cycle. The FMCSA does not have an appeals process for unsuccessful applications for discretionary grant funds.

## **L. Agency Contact**

FMCSA Grants Management Office (GMO):

**By E-mail:**

[FMCSA\\_GrantMgmtHelpdesk@dot.gov](mailto:FMCSA_GrantMgmtHelpdesk@dot.gov), or

**By Telephone:**

(202) 366-0621

Office hours are from 9 a.m. to 5 p.m., Eastern Standard Time, Monday through Friday, except Federal holidays.

**By Mail:**

U.S. Department of Transportation  
Federal Motor Carrier Safety Administration

Grants Management Office  
1200 New Jersey Ave, SE, West Building  
Washington, DC 20590

## **M. Other Information**

The FMCSA may make changes or additions to this NOFA. All changes will be communicated through Grants.gov. We encourage you to sign up for [Grants.gov notifications](#) so you may be notified of any changes.

The FMCSA plans to conduct a pre-funding conference for all prospective applicants. At this conference, FMCSA staff will review the NOFA requirements and answer questions from prospective applicants. Registration information for the pre-funding conferences will be posted on Grants.gov.

This NOFA is intended for informational purposes and reflects current planning. If there is any inconsistency between the information contained herein and the terms of any resulting funding agreement, the terms of the funding agreement are controlling.

The FMCSA is not obligated to make any Federal award as a result of the announcement. Funding amounts made available for reimbursement may be impacted by limitations placed on the spending authority and appropriations enacted for FMCSA. The FMCSA is not responsible for any monies expended by the applicant prior to the award of any funding agreement. Only FMCSA authorizing officials can obligate the Federal government.

An application may be withdrawn at any time before a final funding decision is made regarding the application; however, withdrawn applications normally will not be returned. One copy of each application that is not selected for funding, including those that are withdrawn, will be retained by FMCSA for a period of three years.

The FMCSA Grant Programs Website (for applicant and recipient resources):

<http://www.fmcsa.dot.gov/mission/grants/grantee-resources>

### Appendix A— Required Documents Checklist

Each document and/or certification below is REQUIRED, with the exception of the SF-LLL form as noted in line 5 below. Use of the required documents checklist is strongly encouraged to ensure that your application will move forward for further review. The table below lists the required documents, their location, and a description of each.

Document Name		Document Description & Location	Document Included	
1	SF-424 Application for Federal Assistance	Standard application form for all requests for Federal assistance. Available in the Grants.gov application kit.	YES <input type="checkbox"/>	NO <input type="checkbox"/>
2	SF-424A Budget Information for Non-Construction Programs	Standard budget form for requests for Federal assistance. Available in the Grants.gov application kit.	YES <input type="checkbox"/>	NO <input type="checkbox"/>
3	SF-424B Assurances for Non-Construction Programs	Standard assurances form associated with accepting Federal assistance funds. This document indicates that the applicant organization is in substantial compliance with various programs, regulations, and Federal laws. Available in the Grants.gov application kit.	YES <input type="checkbox"/>	NO <input type="checkbox"/>
4	Grants.Gov Lobbying Form	Form that allows applicants to disclose lobbying activity. Available in the Grants.gov application kit.	YES <input type="checkbox"/>	NO <input type="checkbox"/>
5	SF-LLL Disclosure of Lobbying Activities (if applicable)	Form that requests information related to the lobbying activities of the applicant. Only applicable to applicants that have lobbying activities to disclose. Available in the Grants.gov application kit.	YES <input type="checkbox"/>	NO <input type="checkbox"/>
6	Key Contacts Form	Form that requests contact information for the: 1) Authorized Designated Official (authorized signer); 2) Principal Investigator or Program Director (program/project manager); and 3) Financial Official (Grants Manager). Available in the Grants.gov application kit.	YES <input type="checkbox"/>	NO <input type="checkbox"/>
7	Attachment Form	Form used to submit supplemental attachments, such as project and budget narratives, to support the grant application. Available in the Grants.gov application kit.	YES <input type="checkbox"/>	NO <input type="checkbox"/>

Appendix A— Required Documents Checklist				
Document Name		Document Description & Location	Document Included	
8	Project Narrative	Project narrative that includes: brief introduction, program overview problem statement, performance objective(s), program activity plan(s), and performance measurement plan(s). Applicant-generated and attached to the Grants.gov application package.	YES <input type="checkbox"/>	NO <input type="checkbox"/>
9	Budget Narrative	Budget narrative that includes: thorough and clear justification of each budget category (object class or type of expense) on the SF-424A. Applicant-generated and attached to the Grants.gov application package.	YES <input type="checkbox"/>	NO <input type="checkbox"/>
10	Indirect Cost Rate Agreement (if applicable)	Applicant's signed current approved indirect cost rate from the cognizant Federal agency. Attached by the applicant to the Grants.gov application package.	YES <input type="checkbox"/>	NO <input type="checkbox"/>
11	FMCSA Administrative Capability Questionnaire	Applicant self-certification for FMCSA to assess the adequacy of their administrative management systems. Completed by the applicant and attached to the Grants.gov application package. The questionnaire is located within the Grants.gov "Full Announcement" tab. All applicants must submit a current FMCSA Administrative Capabilities Questionnaire if one has not already been submitted for FY 2016.	YES <input type="checkbox"/>	NO <input type="checkbox"/>
12	Standard Title VI/Non-Discrimination Assurances	Required self-certification assurance ensures that the applicant will comply with the appropriate acts, regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance to ensure that no person in the United States shall, on the grounds of race, color, national origin, sex, age, disability, low-income, or Limited English Proficiency be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination. The assurance is located within the Grants.gov "Full Announcement" tab. This form is submitted by the applicant into Grants.gov.	YES <input type="checkbox"/>	NO <input type="checkbox"/>

### *What is a Budget Narrative?*

The budget narrative explains the “what,” “how” and “why” of a line item cost to carry out grant project goals and objectives. A budget narrative is a narrative explanation of each budget component that supports the costs of the proposed work. The budget narrative should focus on how each budget item is required to achieve the proposed project goals and objectives. It should also justify how budget costs were calculated.

The budget narrative should be clear, specific, detailed, and mathematically correct. The FMCSA reviews the budget narrative to confirm how costs are allowable, allocable, necessary, and reasonable. A well-developed budget narrative is also an effective management tool; a budget that doesn’t represent a project’s needs makes it difficult to recommend for funding and assess financial performance over the life of the project. The budget narrative serves a number of critical functions:

- Describes your need for or the necessity of an expense;
- Documents how reasonable the request is, conveys your judgment as well as the feasibility of the project based on available and proposed resources.
- Helps FMCSA review high-risk cost items to determine funding.

### *What Different Costs are in a Budget Narrative?*

**Personnel:** Personnel costs are salaries for employees working directly on a grant project. Only include costs for personnel employed by your organization. Costs should be consistent with that paid for similar types of work within the organization. Individuals not employed by your organization will be classified as either a subgrant or contractor. See the contractual object class for additional information.

Below is a sample personnel budget narrative. The FMCSA evaluates the personnel budget narrative to determine whether the proposed number of personnel is appropriate and whether there is sufficient staffing to meet the project objectives. The proposed effort should be consistent with the effort required by the work plan. The labor mix should be consistent with the caliber of effort – professional/nonprofessional/clerical – required by the grant work plan. The FMCSA also reviews the personnel budget to determine if the salary ranges proposed are reasonable.

<b>Personnel Budget Narrative (SF-424A, Line 6a)</b>					
<b>Position(s)</b>	<b># of Staff</b>	<b>% of Time</b>	<b>Work Year Hours</b>	<b>Hourly Salary/Wage</b>	<b>Total Cost</b>
Supervisor	1	100	2,080	\$21.63	\$44,990
Staff member	1	100	2,080	\$19.00	\$39,520
Staff member	10	50	2,080	\$19.00	\$197,600
<b>Total Cost for Personnel:</b>					<b>\$282,120</b>
<p>The Supervisor oversees activities of the project. She/he spends 100% of the time implementing this project, supervising staff, and conducting activities to meet the objectives of this project. Activities include: supervising daily operation of projects and staff, providing staff training/technical assistance, coordinating staff work schedule/assignments, ensuring data entry, tracking and following-up on procedures to meet quality assurance, and tracking policy to ensure compliance. There are 11 staff members (1 FT, 10 PT) who provide additional program support. Each is paid an hourly wage of \$19; part-time staff members will average 50% of their time on grant activities. The FT staff member wages equal \$39,520 annually, with the PT (10) staff members averaging 1,040 hours or 50% on grant activities @ \$19,760 per year for a cumulative total (for all 10 PT staff members) of \$197,600.</p>					

**Fringe Benefits:** Fringe benefits are allowances and services provided by employers to their employees as compensation in addition to regular salaries and wages. Fringe benefits include, but are not limited to, the costs of leave (vacation, family-related, sick or military), employee insurance, pensions, and unemployment benefit plans. The costs of fringe benefits are allowable provided that the benefits are reasonable and are required by law, non-Federal entity-employee agreement, or an established policy of the non-Federal entity. The FMCSA will only reimburse fringe costs for personnel and only for the percentage of time they devote to the project. Some tips:

- Include how the fringe benefit amount is calculated (e.g., actual fringe benefits, rate approved by the Health and Human Services State Wide Cost Allocation Plan or cognizant agency). Explain what is included in the benefit package.
- Do not combine the fringe benefit costs with direct salaries and wages in the personnel category.

Below is a sample fringe budget narrative. Note that the personnel in the personnel budget narrative should be reflected in the fringe benefits budget narrative. The level of personnel participation (full time or part time) must also correspond to the fringe charged. This way, we ensure that the correct fringe is attributed to the correct grant.

<b>Fringe Benefits Budget Narrative (SF-424A, Line 6b)</b>				
<b>Position</b>	<b>Benefits</b>	<b>Rate</b>	<b>Base Amount</b>	<b>Total Cost</b>
1 Staff member	Fringe	16.72	100	\$6,608
10 Staff members (Part-Time)	Fringe	16.72	50	\$33,040
<b>Total Cost for Fringe:</b>				<b>\$39,648</b>
<p>Fringe benefits include the cost of health insurance, retirement, workers' compensation and unemployment benefit plans. It is calculated at the average fringe rate of 16.72 as recognized by the cognizant agency. This fringe rate is applied to the average hourly rate of \$19 per staff member, with projected annual hours worked as 2,080 hours for full-time staff. The full-time staff member's annual wages of \$39,520 x 16.72% results in a \$6,608 total fringe cost. The 10 part-time staff members average 50% of time worked per person on grant-related activities; using an average of 1,040 hours multiplied by \$19,760 per year results in a fringe cost of \$3,304 per part-time staff member.</p>				

**Travel:** Travel costs include field work activities or travel to professional meetings. The FMCSA reviews the travel budget to ensure that amounts are reasonable based on the level of effort described in the project plan. Generally speaking, FMCSA will accept in-State travel costs for routine operations as reasonable unless there is a specific reason to question them. The FMCSA evaluates out-of-state travel costs to ensure the trips planned are necessary to complete the scope of work (usually training or meeting attendance), and that the number of travelers is consistent with the trip purpose. Some tips:

- Include estimates for potential travel .
- Explain the reason for travel expenses for project personnel (e.g., staff training, field interviews, advisory group meeting, etc.) and, if known, identify the location/destination of travel.
- Do not include payroll, fringe, or other costs listed as part of the travel. For example, payroll/fringe is included in personnel and fuel costs are included in other.

Below is a sample travel budget narrative. Costs for employee conference attendance, such as with FMCSA, can be put into the budget without the need to break out what the daily cost will be; however, when vouchered, costs should be reported as actuals. Expenses must be auditable (e.g. able to be backed up with actual days on the road, state per diem costs, hotel expenses, and any allowable miscellaneous costs).



<b>Travel Cost Budget Narrative (SF-424A, Line 6c)</b>			
<b>Purpose</b>	<b># of Staff</b>	<b># of Days</b>	<b>Total Cost</b>
Routine Travel	10	10	\$4,600
San Diego Conference	15	5	\$28,410
<b>Total Cost for Travel:</b>			<b>\$33,010</b>
<p>Costs represent necessary travel funds for staff members to perform their assigned duties. Reimbursement is based upon the current state per diem rates and rules. The per diem rate for each day is \$46.00. (NOTE: travel by contractors should be included as part of the contract's cost.)</p> <p>Training in San Diego for 15 staff members with an average cost per person of \$600 – Airfare or \$9,000; \$204 Per State Approved Diem or \$3,060; \$290 – Hotel Accommodations or \$4,350; and \$800 – Registration Fees or \$12,000 for a total of \$28,410.</p>			

**Equipment:** Equipment costs are tangible, nonexpendable, personal property items that have a useful life of more than one year and an acquisition cost of \$5,000 or more per unit. The FMCSA evaluates the need for the equipment (e.g., the ratio of employees to equipment) in the budget narrative and how it supports project activities. The FMCSA also evaluates the extent to which the equipment is being used to support more than one FMCSA grant. If it does, FMCSA verifies that the cost has been prorated accurately. Additionally, the FMCSA reviews past performance information to determine if the same equipment for the project/program was purchased in previous years. A sample equipment budget narrative is below. Some tips:

- Indicate in the narrative if your equipment threshold is below \$5,000 so FMCSA understands why lower costs items are included in this line. Otherwise, expenses under the threshold of \$5,000 per item belong in supplies or other, depending on the item.
- Explain the purpose and use of each item of equipment. Prorate the costs, if applicable.
- Common purchases like a computer system (when purchased as a package - keyboard, monitor and hard drive, etc.) are considered equipment if the total cost exceeds the threshold. If these same items are purchased individually (and not as a package) and each unit is below the threshold, list them under supplies.

When developing your budget analyze the cost benefits of purchasing versus leasing equipment, particularly high-cost items and those subject to rapid technical advances. List rented or leased equipment costs in the contractual or the other object class, depending upon your procurement method. See the guidance under the other object class for additional information.

## Appendix B— Budget Narrative Guidance

Equipment Cost Budget Narrative (SF-424A, Line 6d)			
Item Name	# of Items	Cost per Item	Total Cost
Vehicles	12	\$36,000	\$432,000
<b>Total Cost for Equipment:</b>			<b>\$432,000</b>
The Applicant requests 12 new vehicles to perform covert monitoring as replacements for vehicles that have reached their useful life as determined by the state’s vehicle replacement policy. These vehicles will only be used for grant eligible purposes and are needed to achieve the activities proposed in the application. The cost for purchasing the vehicles is approximately \$36,000 each based on the state’s procurement contract.			

**Supplies:** Supplies are tangible personal property other than equipment. The FMCSA evaluates supplies costs to ensure that enough detail is provided to enable an informed reader to understand that the cost is reasonable. For example, an applicant need not provide details on the number of paper clips that it will purchase. At the same time, FMCSA cannot accept an amount for office supplies that would equal, say, \$8,000 a year per person without further clarification. Some tips:

- A good way to document supplies is to indicate the approximate expenditure by the unit as a whole (e.g., office supplies cost \$XX per month).
- Remember to include a quantity and unit cost for larger cost supply items such as computers and printers.

Supplies Cost Budget Narrative (SF-424A, Line 6e)			
Item Name	# of Units	Cost per Unit	Total Cost
General Office Supplies	12	\$39	\$468
Mobile Printers	7	\$250	\$1,750
Laptop Computers	12	\$2,000	\$24,000
<b>Total Cost for Supplies:</b>			<b>\$26,215</b>
General office supplies include paper, printer ink, etc. for 26 staff members in the program. These 26 staff members require supplies that are estimated at \$39 for 12 months. Ten part-time staff members require laptop computers and these computer shall be utilized only to fulfill planned activities. Mobile printers are also needed for 5 new full-time staff members. The total number of staff members is 26, including the 5 new staff members and 10 part-time staff members. The extra 2 mobile printers and 2 laptops are requested for replacement purposes. These staff members perform assigned duties as described in the project’s narrative.			

**Contractual:** Contractual object class costs include the cost of any contract or subgrant agreement between the applicant and another organization (for example a vendor or local government organization). Contractual costs can be categorized two ways: contract or subgrant. The FMCSA reviews the contractual budget narrative to ensure it contains sufficient descriptive information about what specific costs (products and/or services) will be charged to the grant, a rationale for how those costs were derived, and the applicability and necessity of each to the grant.

Tip: Include the name of the vendor/subgrantee, if known. If not, indicate that the selection is pending and an estimated timeframe when the vendor/subgrantee will be selected. In the application, the most important component of the contractual budget narrative is the purpose of the contract/subgrant and how the cost was estimated/derived.

**Guidance for Contract Costs:** A contract means a legal instrument by which a non-Federal entity purchases services needed to carry out the project or program under a Federal award. A contractor provides the goods and services within normal business operations; provides similar goods or services to many different purchasers; normally operates in a competitive environment; provides goods or services that are ancillary (but necessary) to the operation of the Federal program. A contractor is not subject to Federal compliance requirements as a result of the grant, though similar requirements may apply for other reasons.

For example, contractual costs could include training, maintenance contracts, or other service contracts except those that belong in different object classes such as equipment or supplies (depending upon your organization's policy). The term "procurement" is used to identify the process of acquiring goods and services from sources outside of the grantee organization. When procuring property and services under a Federal award, an organization must follow the same policies and procedures it uses for procurements for its non-Federal funds.

**Guidance for Subgrant Costs:** A subgrant means an award provided by the grantee (also known as a pass-through entity) to a subgrantee. A subgrantee's performance is measured in relation to whether objectives of a Federal program were met; has responsibility for programmatic decision making; is responsible for adherence to applicable Federal program requirements specified in the Federal award; and (in accordance with its agreement), uses the Federal funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the benefit of the pass-through entity.

A subgrant may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract. Federal regulations require that all subgrantees obtain and maintain a Data Universal Numbering System (DUNS) number and continue to maintain an active System for Award Management registration at all times during an active Federal award.

## Appendix B— Budget Narrative Guidance

Contractual Cost Budget Narrative (SF-424A, Line 6f)	
Description of Services	Total Cost
Contract services for programming: 800 hours @ \$250	\$200,000
<b>Total Cost for Contractual:</b>	<b>\$200,000</b>
Contract services for programming include an assessment of the timeliness and quality of our data systems; in addition, the contractor oversees the development of plans to implement improvements to the system that support the state’s highway safety programs. The contractor will install the necessary software and ensure that it is compatible with all existing platforms.	

**Other:** Other costs are costs that do not fit within any of the other object class categories. Typical costs in this category include rent for buildings used to conduct project activities, utilities, and printing costs. The FMCSA reviews other costs to determine whether these costs are consistent with the proposed work plan and are necessary to complete the approved work plan. The FMCSA also evaluates the costs to ensure that no unallowable costs, such as entertainment expenses, are included. Below is a sample other budget narrative. Some tips:

- A lease is considered an other cost when you are not the prime on the contract; rather, you are partnering with a different agency in your state or using a shared utility, facility or other services purchased through the state for one or more agencies. A lease is considered a contractual cost when you directly engage, and form a contract with, a vendor.
- Group other object class costs whenever possible (e.g., space, rental, communication, printing, maintenance) in the budget and explain how they support the grant activities.
- Ensure that other costs such as professional services, audit, postage, printing, and facilities expenses are not already accounted for in either your indirect cost rate agreement or cost allocation plan.

Other Cost Budget Narrative (SF-424A, Line 6h)			
Item Name	# of Units	Cost per Unit	Total Cost
Printing materials	1000	\$.50	\$500
<b>Total Cost for Other:</b>			<b>\$500</b>
Printed materials are used during outreach activities and at national stakeholder meetings. The average cost per unit is \$.50.			

**Indirect Costs:** Indirect costs are costs incurred for common or joint objectives that benefit more than one project. They may be administrative and/or programmatic. The FMCSA reviews indirect cost rates to ensure that the rate is valid, calculations are correct in the budget, and that the rate is applied to the appropriate base.

Remember to include your indirect cost rate agreement with your application in Grants.gov. If your rate will not be approved by the application due date, attach the letter of renewal or letter of request that you sent to your cognizant agency. This documentation is used as a placeholder until the rate is approved. Grantees may not receive reimbursement for indirect costs until the rate is approved.

Current through Pub. L. [113-36](#). (See [Public Laws for the current Congress](#).)

**(a) General.**— To avoid having amounts withheld from apportionment under section [31314](#) of this title, a State shall comply with the following requirements:

(1) The State shall adopt and carry out a program for testing and ensuring the fitness of individuals to operate commercial motor vehicles consistent with the minimum standards prescribed by the Secretary of Transportation under section [31305 \(a\)](#) of this title.

(2) The State may issue a commercial driver's license to an individual only if the individual passes written and driving tests for the operation of a commercial motor vehicle that comply with the minimum standards.

(3) The State shall have in effect and enforce a law providing that an individual with a blood alcohol concentration level at or above the level established by section [31310 \(a\)](#) of this title when operating a commercial motor vehicle is deemed to be driving under the influence of alcohol.

(4) The State shall authorize an individual to operate a commercial motor vehicle only by issuing a commercial driver's license containing the information described in section [31308 \(3\)](#) of this title.<sup>[1]</sup>

(5) Not later than the time period prescribed by the Secretary by regulation, the State shall notify the Secretary or the operator of the information system under section [31309](#) of this title, as the case may be, of the proposed issuance of the license and other information the Secretary may require to ensure identification of the individual applying for the license.

(6) Before issuing a commercial driver's license to an individual or renewing such a license, the State shall request from any other State that has issued a driver's license to the individual all information about the driving record of the individual.

(7) Not later than 30 days after issuing a commercial driver's license, the State shall notify the Secretary or the operator of the information system under section [31309](#) of this title, as the case may be, of the issuance.

(8) Not later than 10 days after disqualifying the holder of a commercial driver's license from operating a commercial motor vehicle (or after revoking, suspending, or canceling the license) for at least 60 days, the State shall notify the Secretary or the operator of the information system under section [31309](#) of this title, as the case may be, and the State that issued the license, of the disqualification, revocation, suspension, or cancellation, and the violation that resulted in the disqualification, revocation, suspension, or cancellation shall be recorded.

(9) If an individual violates a State or local law on motor vehicle traffic control (except a parking violation) and the individual—

(A) has a commercial driver's license issued by another State; or

**(B)** is operating a commercial vehicle without a commercial driver's license and has a driver's license issued by another State, the State in which the violation occurred shall notify a State official designated by the issuing State of the violations not later than 10 days after the date the individual is found to have committed the violation.

**(10)**

**(A)** The State may not issue a commercial driver's license to an individual during a period in which the individual is disqualified from operating a commercial motor vehicle or the individual's driver's license is revoked, suspended, or canceled.

**(B)** The State may not issue a special license or permit (including a provisional or temporary license) to an individual who holds a commercial driver's license that permits the individual to drive a commercial motor vehicle during a period in which—

**(i)** the individual is disqualified from operating a commercial motor vehicle; or

**(ii)** the individual's driver's license is revoked, suspended, or canceled.

**(11)** The State may issue a commercial driver's license to an individual who has a commercial driver's license issued by another State only if the individual first returns the driver's license issued by the other State.

**(12)**

**(A)** Except as provided in subparagraphs (B) and (C), the State may issue a commercial driver's license only to an individual who operates or will operate a commercial motor vehicle and is domiciled in the State.

**(B)** Under regulations prescribed by the Secretary, the State may issue a commercial driver's license to an individual who—

**(i)** operates or will operate a commercial motor vehicle; and

**(ii)** is not domiciled in a State that issues commercial driver's licenses.

**(C)** The State may issue a commercial driver's license to an individual who—

**(i)** operates or will operate a commercial motor vehicle;

**(ii)** “(ii) is an active duty member of—“(I) the armed forces (as that term is defined in section 101(a) of title 10); or “(II) the reserve components (as that term is defined in section 31305(d)(2) of this title);; and

**(iii)** is not domiciled in the State, but whose temporary or permanent duty station is located in the State.

**(13)** The State shall impose penalties consistent with this chapter that the State considers appropriate and the Secretary approves for an individual operating a commercial motor vehicle.

(14) The State shall allow an individual to operate a commercial motor vehicle in the State if—

(A) the individual has a commercial driver’s license issued by another State under the minimum standards prescribed by the Secretary under section [31305 \(a\)](#) of this title;

(B) the license is not revoked, suspended, or canceled; and

(C) the individual is not disqualified from operating a commercial motor vehicle.

(15) The State shall disqualify an individual from operating a commercial motor vehicle for the same reasons and time periods for which the Secretary shall disqualify the individual under subsections (b)–(e), (i)(1)(A) and (i)(2) of section [31310](#).

(16)

(A) Before issuing a commercial driver’s license to an individual, the State shall request the Secretary for information from the National Driver Register maintained under chapter [303](#) of this title (after the Secretary decides the Register is operational) on whether the individual—

(i) has been disqualified from operating a motor vehicle (except a commercial motor vehicle);

(ii) has had a license (except a license authorizing the individual to operate a commercial motor vehicle) revoked, suspended, or canceled for cause in the 3-year period ending on the date of application for the commercial driver’s license; or

(iii) has been convicted of an offense specified in section [30304 \(a\)\(3\)](#) of this title.

(B) The State shall give full weight and consideration to that information in deciding whether to issue the individual a commercial driver’s license.

(17) The State shall adopt and enforce regulations prescribed by the Secretary under as [\[2\]](#) 31310(j) of this title.

(18) The State shall maintain, as part of its driver information system, a record of each violation of a State or local motor vehicle traffic control law while operating a motor vehicle (except a parking violation) for each individual who holds a commercial driver’s license. The record shall be available upon request to the individual, the Secretary, employers, prospective employers, State licensing and law enforcement agencies, and their authorized agents.

(19) The State shall—

(A) record in the driving record of an individual who has a commercial driver’s license issued by the State; and

(B) make available to all authorized persons and governmental entities having access to such record, all information the State receives under paragraph (9) with respect to the individual and every violation by the individual involving a motor vehicle (including a



commercial motor vehicle) of a State or local law on traffic control (except a parking violation), not later than 10 days after the date of receipt of such information or the date of such violation, as the case may be. The State may not allow information regarding such violations to be withheld or masked in any way from the record of an individual possessing a commercial driver's license.

(20) The State shall revoke, suspend, or cancel the commercial driver's license of an individual in accordance with regulations issued by the Secretary to carry out section [31310 \(g\)](#).

(21) By the date established by the Secretary under section [31309 \(e\)\(4\)](#), the State shall be operating a commercial driver's license information system that is compatible with the modernized commercial driver's license information system under section [31309](#).

(22) The State shall report a conviction of a foreign commercial driver by that State to the Federal Convictions and Withdrawal Database, or another information system designated by the Secretary to record the convictions. A report shall include—

(A) for a driver holding a foreign commercial driver's license—

(i) each conviction relating to the operation of a commercial motor vehicle; and

(ii) each conviction relating to the operation of a non-commercial motor vehicle; and

(B) for an unlicensed driver or a driver holding a foreign non-commercial driver's license, each conviction relating to the operation of a commercial motor vehicle.

(23) Not later than 1 year after the date of enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2012, the State shall implement a system and practices for the exclusive electronic exchange of driver history record information on the system the Secretary maintains under section [31309](#), including the posting of convictions, withdrawals, and disqualifications.

(24) Before renewing or issuing a commercial driver's license to an individual, the State shall request information pertaining to the individual from the drug and alcohol clearinghouse maintained under section 31306a.

(25) Not later than 5 years after the date of enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2012, the State shall establish and maintain, as part of its driver information system, the capability to receive an electronic copy of a medical examiner's certificate, from a certified medical examiner, for each holder of a commercial driver's license issued by the State who operates or intends to operate in interstate commerce.

**(b) State Satisfaction of Requirements.**— A State may satisfy the requirements of subsection (a) of this section that the State disqualify an individual from operating a commercial motor vehicle by revoking, suspending, or canceling the driver's license issued to the individual.

**(c) Notification.**— Not later than 30 days after being notified by a State of the proposed issuance of a commercial driver's license to an individual, the Secretary or the operator of the information system under section [31309](#) of this title, as the case may be, shall notify the State whether the

individual has a commercial driver's license issued by another State or has been disqualified from operating a commercial motor vehicle by another State or the Secretary.

**(d) State Commercial Driver's License Program Plan.—**

**(1) In general.—** A State shall submit a plan to the Secretary for complying with the requirements under this section during the period beginning on the date the plan is submitted and ending on September 30, 2016.

**(2) Contents.—** A plan submitted by a State under paragraph (1) shall identify—

**(A)** the actions that the State will take to address any deficiencies in the State's commercial driver's license program, as identified by the Secretary in the most recent audit of the program; and

**(B)** other actions that the State will take to comply with the requirements under subsection (a).

**(3) Priority.—**

**(A) Implementation schedule.—** A plan submitted by a State under paragraph (1) shall include a schedule for the implementation of the actions identified under paragraph (2). In establishing the schedule, the State shall prioritize actions to address any deficiencies highlighted by the Secretary as critical in the most recent audit of the program.

**(B) Deadline for compliance with requirements.—** A plan submitted by a State under paragraph (1) shall include assurances that the State will take the necessary actions to comply with the requirements of subsection (a) not later than September 30, 2015.

**(4) Approval and disapproval.—** The Secretary shall—

**(A)** review each plan submitted under paragraph (1);

**(B)**

**(i)** approve a plan if the Secretary determines that the plan meets the requirements under this subsection and promotes the goals of this chapter; and

**(ii)** disapprove a plan that the Secretary determines does not meet the requirements or does not promote the goals.

**(5) Modification of disapproved plans.—** If the Secretary disapproves a plan under paragraph (4), the Secretary shall—

**(A)** provide a written explanation of the disapproval to the State; and

**(B)** allow the State to modify the plan and resubmit it for approval.

**(6) Plan updates.—** The Secretary may require a State to review and update a plan, as appropriate.

**(e) Annual Comparison of State Levels of Compliance.**— The Secretary shall annually—

(1) compare the relative levels of compliance by States with the requirements under subsection (a); and

(2) make the results of the comparison available to the public.

**The United States Department of Transportation  
Standard Title VI/Non-Discrimination Assurances  
DOT Order No. 1050.2A**

The (*Title of Recipient*) (herein referred to as the “Recipient”), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the United States Department of Transportation (DOT), through the **Federal Motor Carrier Safety Administration (FMCSA)**, is subject to and will comply with the following:

**Statutory/Regulatory Authorities**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Title IX of the Education Amendments of 1972, as amended, (20 U.S.C. § 1681 *et seq.*), (prohibits discrimination on the basis of sex in education programs or activities);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability);
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 *et seq.*), (prohibits discrimination on the basis of disability);
- 49 C.F.R. part 21 (entitled *Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 49 C.F.R. part 27 (entitled *Nondiscrimination On The Basis Of Disability In Programs Or Activities Receiving Federal Financial Assistance*);
- 49 C.F.R. part 28 (entitled *Enforcement Of Nondiscrimination On The Basis Of Handicap In Programs Or Activities Conducted By The Department Of Transportation*);
- 49 C.F.R. part 37 (entitled *Transportation Services For Individuals With Disabilities (ADA)*);
- 49 C.F.R. part 303 (FMCSA’s Title VI/Nondiscrimination Regulation);
- 28 C.F.R. part 35 (entitled *Discrimination On The Basis Of Disability In State And Local Government Services*);
- 28 C.F.R. § 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the “Acts” and “Regulations,” respectively.

Although not applicable to Recipients directly, there are certain Executive Orders and relevant guidance that direct action by Federal agencies regarding their federally assisted programs and activities to which compliance is required by Recipients to ensure Federal agencies carry out their responsibilities. Executive Order 12898, 3 C.F.R. § 859 (1995), entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”

emphasizes that Federal agencies should use existing laws to achieve Environmental Justice, in particular Title VI, to ensure nondiscrimination against minority populations. Recipients should be aware that certain Title VI matters raise Environmental Justice concerns and FHWA intends that all Recipients evaluate and revise existing procedures (as appropriate) to address and implement Environmental Justice considerations. See the following FHWA website for more information and facts about Environmental Justice:

<http://www.fhwa.dot.gov/environment/ejustice/facts/index.htm>;

Additionally, Executive Order 13166, 3 C.F.R. §289 (2001) on Limited English Proficiency, according to the U.S. Department of Justice in its Policy Guidance Document dated August 16, 2000 (65 Fed. Reg. at 50123), clarifies the responsibilities associated with the “*application of Title VI’s prohibition on national origin discrimination when information is provided only in English to persons with limited English proficiency.*” When receiving Federal funds Recipients are expected to conduct a Four-Factor Analysis to prevent discrimination based on National Origin. (See also U.S. DOT’s “*Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons,*” dated December 14, 2005, (70 Fed. Reg. at 74087 to 74100); the Guidance is a useful resource when performing a Four-Factor Analysis).

### **General Assurances**

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

*“No person in the United States shall, on the grounds of race, color, national origin, sex, age, disability, low-income, or LEP be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from DOT, including the FMCSA.”*

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and section 504 of the Rehabilitation Act of 1973) by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally-assisted.

### **Specific Assurances**

More specifically, and without limiting the above general Assurances, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted **FMCSA Program**:

1. The Recipient agrees that each “activity,” “facility,” or “program,” as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an “activity”) facilitated, or will be (with regard to a “facility”) operated, or will be (with regard to a “program”) conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations;

2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal Motor Carrier Safety Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:  
*“The **(Title of Recipient)**, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, all contractors will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of the owner’s race, color, national origin, sex, age, disability, income-level, or LEP in consideration for an award.”;*
3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations;
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient;
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith;
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property;
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:

- a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
  - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, [Name of the recipient] also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the **FMCSA** access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the **FMCSA**. You must keep records, reports, and submit the material for review upon request to **FMCSA**, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

[Name of Recipient] gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the Department of Transportation under the **FMCSA Program**. This ASSURANCE is binding on [insert State], other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the **FMCSA Program**. The person (s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

\_\_\_\_\_  
(Name of Recipient)

by \_\_\_\_\_  
(Signature of Authorized Official)

DATED \_\_\_\_\_

ASSURANCE APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees as follows:

- 1. Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
- 2. Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations as set forth in Appendix E, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
- 3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor’s obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP.
- 4. Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FMCSA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the FMCSA, as appropriate, and will set forth what efforts it has made to obtain the information.
- 5. Sanctions for Noncompliance:** In the event of a contractor’s noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FMCSA may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the contractor under the contract until the contractor complies; and/or
  - b. cancelling, terminating, or suspending a contract, in whole or in part.



- 6. Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the FMCSA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

## ASSURANCE APPENDIX B

### CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

**NOW, THEREFORE**, the Department of Transportation as authorized by law and upon the condition that the (***Title of Recipient***) will accept title to the lands and maintain the project constructed thereon in accordance with (***Name of Appropriate Legislative Authority***), the Regulations for the Administration of **Federal Motor Carrier Safety Administration (FMCSA) Program**, and the policies and procedures prescribed by the **FMCSA** of the Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the (***Title of Recipient***) all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit “A” attached hereto and made a part hereof.

### (HABENDUM CLAUSE)

**TO HAVE AND TO HOLD** said lands and interests therein unto (***Title of Recipient***) and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the (***Title of Recipient***), its successors and assigns.

The (***Title of Recipient***), in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under

such lands hereby conveyed [,] [and]\* (2) that the (**Title of Recipient**) will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI.)

### **ASSURANCE APPENDIX C**

#### **CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY OR PROGRAM**

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the (**Title of Recipient**) pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add “as a covenant running with the land”] that:
  - 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, (**Title of Recipient**) will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.\*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the (**Title of Recipient**) will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the (**Title of Recipient**) and its assigns.\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to effectuate the purpose of Title VI.)

**ASSURANCE APPENDIX D**

**CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED  
UNDER THE ACTIVITY, FACILITY OR PROGRAM**

The following clauses will be included in deeds, licenses, permits, or similar instruments/ agreements entered into by (**Title of Recipient**) pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, “as a covenant running with the land”) that (1) no person on the ground of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, (**Title of Recipient**) will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.\*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, (**Title of Recipient**) will there upon revert to and vest in and become the absolute property of (**Title of Recipient**) and its assigns.\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to effectuate the purpose of Title VI.)

**ASSURANCE APPENDIX E**

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin), as implemented by 49 C.F.R. § 21.1 *et seq.* and 49 C.F.R. § 303;

- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (102 Stat. 28.), (“...which restore[d] the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.”);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 -- 12189) as implemented by Department of Justice regulations at 28 C.F.R. parts 35 and 36, and Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*), as implemented by 49 C.F.R. § 25.1 *et seq.*